

**Disciplinary Policy**

 **Scope of policy:** All learners and staff

**Approved by:** SLT/ Trustees February 2023

# **Review Date:** February 2025

1. **Introduction**

We take our disciplinary process seriously and look to resolve any issues that may be highlighted quickly, consistently and with as little disruption as possible.

It’s important to know that:

* No formal disciplinary action will be taken until facts of the situation have been established and fully investigated.
* Should we need to hold an investigation meeting with you, we will formally notify you in advance to give you the opportunity to prepare.
* Following this meeting you will be notified in writing if there is no case to proceed.
* Should a formal warning be given, or there be a need to hold a disciplinary hearing you will be notified with enough time (a minimum of 48 hours) for all involved to collate any appropriate evidence.
* You have the right to be accompanied, if you wish, by a work colleague.
* You have the right to appeal against any disciplinary penalty (please see right to appeal policy).
* An appeal meeting will be arranged as soon as possible and will be conducted by a senior member of HR team.
* We expect everyone involved in the process to maintain good conduct, attendance, performance and co-operation.
* We aim to deal with breaches of discipline or poor performance as quickly and fairly as possible to ensure a good working environment and to minimise disruption to other employees.

1. **Stages of the Disciplinary Process**

Where appropriate the following disciplinary process may be used;

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| INFORMAL STAGE Informal Warning  | If conduct or performance is unsatisfactory, you will be given an informal warning. This warning is informal, therefore falls outside of the disciplinary process. It may be deemed appropriate to complete an investigation before giving an informal warning, but this is not necessary.  |
| STAGE 1 First Written Warning  | In the event of a repetition of the offence, or another disciplinary offence within the specified time period, or if the required improvement does not materialise within the stated timescale, a written warning will be given to you. A written warning will remain active for 12 months, unless advised otherwise.  |
| STAGE 2 Final Written Warning  | If the offence is considered serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given. This will include the reason for the warning and will additionally state that if no improvement is made within an agreed time frame (e.g. 2 – 4 weeks) then action outlined in Stage 3 will be taken.  |
| STAGE 3 Dismissal  | If the conduct or performance has failed to improve, you may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract), dismissal or summary dismissal (without notice).  |

1. **The Disciplinary Investigation**

A full investigation of all circumstances will be carried out as soon as possible.

Key Points:

* If appropriate, you may be suspended with or without pay during the period of this investigation.
* A disciplinary hearing will then be held.
* Where possible a member of Totemic Ltd HR will take notes for the record.
* We will write to you, setting out the complaint made against you, giving you time date and place of the disciplinary hearing.
* You have the right to be accompanied by a work colleague.
* You may offer a reasonable alternative time within 5 days of the original date if your chosen companion cannot attend or if you fail to attend through circumstances out of your control.
* At the hearing you shall be informed of the specific complaint and have the opportunity to state your own case.
* The process shall be carried out without any unreasonable delay, but not in such haste as to prejudice the fair and effective operation of the procedure.
* At the end of the hearing, the main points of discussion will be summarised, allowing all parties to add further information if required.
* The panel will adjourn in order to consider all the information presented.
* This is an opportunity to reflect, digest and investigate further if required prior to making a decision if a disciplinary warning is appropriate.
* You shall be given an explanation for any disciplinary action taken and shall have the right to appeal against any such action.
* Details of any warning issued will be given to you in writing and retained in your employee records.

1. **Examples Disciplinary Offences**

General disciplinary offences include, but are not limited to:

* Poor timekeeping and/or attendance.
* Poor work standard or inadequate attention.
* Unauthorised absence from work.
* Disruptive or unacceptable behaviour.
* Contravention of safety or hygiene regulations.
* Failure to comply with Company rules or policies.
* Failure to comply with reasonable instructions.

1. **Gross Misconduct**

A single instance of gross misconduct may result in summary dismissal without notice or payment in lieu; these include, but are not limited to:

* Theft.
* Gross insubordination or the use of aggressive behaviour or excessive bad language.
* Disorderly conduct, fighting on Charity premises or threatening physical violence.
* Flagrant failure to comply with Charity safety standards and procedures.
* Fraud (any deliberate falsification of reports or company documents).
* Actions which are likely to bring the Charity into disrepute.
* Being in possession of or under the influence of alcohol or illegal drugs during work hours.
* Breach of duty regarding unauthorised disclosure of confidential information.
* Deliberate damage or negligence to property.
* Persistent absence without permission.
* Persistent refusal to comply with a reasonable request or instruction.
* Careless driving or excessive number of accidents.
* Loss of driving licence on conviction when driving is essential for your role.
* Misuse of Charity equipment or facilities.
* Providing false or omitting relevant information to obtain employment or related benefits.
* Discrimination, bullying and harassment (by any means whatsoever).
* Use of the Charity’s IT systems and other equipment (e.g. telephones) for inappropriate reasons including; receipt, storage or distribution of offensive or pornographic material or personal use that is not reasonable.
* Committing a criminal offence which undermines the trust between you and the company.
* Gross inefficiency or neglect of duty.

**Reviewed:** February 2023

**Next Review Date:** February 2025